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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/682,791	10/19/2001	Kirk Feathers	011342	5431

7590

11/25/2005

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EXAMINER

FISCHETTI, JOSEPH A

ART UNIT PAPER NUMBER

3627

DATE MAILED: 11/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/682,791

Applicant(s)

FEATHERS ET AL.

Examiner

Joseph A. Fischetti

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 and 31-42 is/are pending in the application.
- 4a) Of the above claim(s) 1-20 and 35-38 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 31-34, 39-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Election/Restrictions

Newly submitted claims 35-38 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: On February 4, 2004 applicant elected the invention of group IV, claims 21-30 without traverse. In this group, an original feature in the species attendant to this invention included this limitation. Hence, it cannot now be presented as a species not originally presented. Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 35-38 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections – 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 40 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The dependency of claim 40 is on a cancelled claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 31-34,39,41,42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bezos et al. in view of Lumme et al.

Bezos et al. disclose a method for identifying a referring source affiliate to an on-line retailer via a computer network:

A) effecting a first examination of a first request to visit a target site of an on-line retailer (request is read as the HTML source code for the catalog selection col. 11 lines 63 et seq.), wherein said first request comprises an Internet address (AMAZON.com), wherein said first request was issued by a user (the user issues the request by virtue of using the link to the product), and wherein said first examination is adapted for determining the presence or absence of a referring source identifier, (col. 14 lines 43-51, the computer determines whether the store ID represents a valid enrolled associate in the associates database);

B) effecting a determination as to whether said referring source is an affiliate of said online retailer (col. 14 lines 43-51, the computer determines whether the store ID represents a valid enrolled associate in the associates database).

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However, Bezos '141 fails to disclose C) amending said referring source identifier to said first request to create an amended first request when said first examination determines i) the absence of said identifier and ii) that said referring source is an affiliate of said online retailer; and D) forwarding said amended first request via said network to said target site.

But, Lumme et al. disclose providing tables 14/15 which provide a known id code to an IP address (virtual number to an address book) when the SMSC selects the number of a mobile station and amends the address to include the code see col. 4, lines 13-34 and forwards it back to the target site. It would appear obvious to modify the system in Bezos et al. to include the address modification step/referring source identifier of Lumme et al. because the motivation for this would more to give credit to the referring company to enhance commerce.

RE claim 32 : the interrogation of the IP address occurs before the computer determines whether the store ID represents a valid enrolled associate in the associates data.

Re claim 33: col. 14 lines 45 clearly states that the referring source ID e.g. the store ID is known as part of database 160.

Re claims 34,41: referral link col. 12 line 2 has an internet address.

Re claim 39: In Lumme the address is changed with a second ID code e.g., 99912345, and the motivation for using same in combination with Bezos et al. is herein repeated.

Re claim 42: choosing an ID by the choice of owner is by definition a matter of design choice.

Applicant's arguments with respect to claims 31-42 have been considered but are moot in view of the new ground(s) of rejection.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

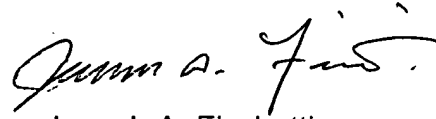
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Joseph A. Fischetti at telephone number (703) 305-0731.

JOSEPH A. FISCHETTI
PRIMARY EXAMINER

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A handwritten signature in black ink, appearing to read "Joseph A. Fischetti". The signature is written in a cursive, flowing style with a large initial "J" and a prominent "F".

Joseph A. Fischetti
Primary Examiner
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